

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

CHARLES ZIMMERMAN, Derivatively on : Civil Action No. 07-CV-6411-MAT-
Behalf of BAUSCH & LOMB : MWP
INCORPORATED and Individually on Behalf :
of Himself and all Others Similarly Situated, :

Plaintiff, :

vs. :

RONALD L. ZARRELLA, WILLIAM H. :
WALTRIP, WILLIAM M. CARPENTER, :
STEPHAN C. MCCLUSKI, JOHN M. :
LOUGHLIN, DWAIN L. HAHS, ANGELINA :
J. PANZARELLA, ROBERT B. STILES, :
KAMAL K. SARBADHIKARI, GEOFFREY F. :
IDE, RUTH R. MCMULLIN, KENNETH L. :
WOLFE, LINDA JOHNSON RICE, :
JONATHAN S. LINEN, DOMENICO DE :
SOLE, BARRY W. WILSON, PAUL A. :
FRIEDMAN, ALAN M. BENNETT, JOHN R. :
PURCELL, FRANKLIN E. AGNEW, ALVIN :
W. TRIVELPIECE, CATHERINE M. BURZIK :
and WARBURG PINCUS LLC, :

Defendants, :

-and- :

BAUSCH & LOMB INCORPORATED, a New :
York corporation, :

Nominal Defendant. :

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NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that plaintiff Charles Zimmerman, through his counsel
and pursuant to Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses
the above-captioned action without prejudice.

DATED: August 23, 2007

FARUQI & FARUQI, LLP

/s/ Beth A. Keller

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List. I further certify that I have sent the foregoing document via overnight delivery to the following:

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s/Beth A. Keller
Beth A. Keller